

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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YESHIVA AND MESIVTA TORAS CHAIM OF GNY
@ SOUTH SHORE,

v.
Plaintiff,

AMERICAN ZURICH INSURANCE COMPANY,

Defendant.

CIVIL ACTION NO.:

**NOTICE OF REMOVAL OF
CIVIL ACTION**

Nassau County Index No.:
605464/2024

PETITION FOR REMOVAL OF CIVIL ACTION

1. Defendant, American Zurich Insurance Company (“Defendant”), is named as a party in a civil action commenced by the Plaintiff, Yeshiva and Mesivta Toras Chaim of GNY @ South Shore (“Plaintiff” or “Yeshiva”) in the Supreme Court of the State of New York, County of Nassau action captioned *Yeshiva and Mesivta Toras Chaim of GNY @ South Shore v. American Zurich Insurance Company*, Index No.: 605464/2024 (the “State Court Action”). A copy of the Plaintiff’s Summons and Complaint is annexed hereto as **Exhibit “A”**.

2. Upon information and belief, the State Court Action was commenced by the Plaintiff’s filing of the Summons and Complaint on March 29, 2024. *Id.* The Summons and Complaint are dated March 29, 2023. *Id.*

3. Upon information and belief, Defendant, American Zurich Insurance Company, was served with the Plaintiff’s Summons and Complaint via Certified Mail on April 3, 2024. A copy of the service document is annexed hereto as **Exhibit “B”**.

4. As originally filed, Plaintiff’s Complaint named two additional defendants, Zurich American Insurance Company and Zurich Agency Services, Inc.

5. These two entities were voluntarily dismissed from the State Court Action via stipulation dated April 24, 2024 and filed with the Supreme Court of the State of New York, County of Nassau on April 30, 2024. See **Exhibit “C”**

6. Upon information and belief, Plaintiff Yeshiva and Mesivta Toras Chaim of GNY @ South Shore is a domestic not-for-profit corporation, organized and existing under and by virtue of the laws of the State of New York, with its principal place of business located in the State of New York.

7. Defendant, American Zurich Insurance Company (hereinafter “AZIC”), is an Illinois corporation engaged in the insurance business with a statutory home office located at 1299 Zurich Way, Schaumburg, Illinois 60196, and its principal place of business located at 1299 Zurich Way, Schaumburg, Illinois 60196. AZIC is licensed to do business in the State of New York.

8. Defendant AZIC has not filed responsive pleadings in the State Court Action.

9. The within lawsuit is a controversy between citizens of different states, as to give rise to complete diversity of citizenship within the meaning of 28 U.S.C. § 1332.

10. Within Plaintiff’s Complaint, it asserts a cause of action for breach of contract and seeks total damages of \$502,077.23. See **Exhibit “A”, ¶18 & ¶27.**

11. As specifically pled in the Plaintiff’s Complaint in the State Court Action, the Plaintiff seeks in excess of \$75,000.00. As such, the matter in controversy exceeds the sum or value of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

12. Defendant AZIC asserts that this Honorable Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332 by virtue of diversity of citizenship jurisdiction.

13. As required by 28 U.S.C. § 1446(a), a true and correct copy of the Summons and Complaint and Stipulation of Partial Discontinuance, the only the pleadings filed in this matter to date, is attached hereto as **Exhibit “A” and Exhibit “C”**.

14. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon counsel for the plaintiff, and a copy is also being filed with the Clerk of the Court for the Supreme Court of the State of New York Court, Nassau County. The Notice of Filing Petition for Removal, without accompanying exhibits, is attached as **Exhibit “D.”**

15. Therefore, Defendant American Zurich Insurance Company is entitled to removal of the State Court Action to this Court pursuant to 28 U.S.C. § 1441(a).

16. No previous application has been made for the relief requested herein.

WHEREFORE, the Defendant, American Zurich Insurance Company, respectfully requests that the State Court Action be removed to the United States District Court for the Eastern District of New York, and that is proceeds in this Court as an action properly removed thereto.

Dated: New York, New York

April 30, 2024

Respectfully Submitted,

CLAUSEN MILLER P.C.

By:



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CERTIFICATE OF SERVICE

I certify that on the 30th day of April 2024, I caused a true and correct copy of the foregoing **NOTICE OF REMOVAL OF CIVIL ACTION** to be served via electronic filing on the following:

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Thomas D. Jacobson

Dated: April 30, 2024